

Development Control Committee

Tuesday, 14 October 2008

Present: Councillor Greg Morgan (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Alistair Bradley, Terry Brown, Alan Cain, Henry Counce, David Dickinson, Harold Heaton, Keith Iddon, Roy Lees, Adrian Lowe, Simon Moulton, Mick Muncaster and Shaun Smith

Officers: Jane Meek (Corporate Director (Business)), Chris Moister (Head of Legal Services), Paul Whittingham (Development Control Manager), Dianne Scambler (Democratic Services) and Caron Taylor (Planning Officer)

08.DC.93 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Julia Berry and June Molyneaux

08.DC.94 DECLARATIONS OF ANY INTERESTS

No declarations of interest were declared.

08.DC.95 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee meeting held on 16 September 2008 be confirmed as a correct record for signing by the Chair.

08.DC.96 MATTERS ARISING FROM THOSE MINUTES

The Corporate Director (Business) submitted a report to outline the reason for refusal that had been formulated in respect of the decision made against planning application 08/00728/FULMAJ at the previous committee meeting held on 16 September 2008.

It was proposed by Councillor Keith Iddon, seconded by Councillor Alan Cain, and was subsequently **RESOLVED to agree the following reason for refusal:**

The proposed development is proposed to be served by an access on to Tarnbreck Drive and the access emerges onto the outside bend of Tarnbreck Drive. As part of the consideration of the application there was an essential requirement to provide a visibility splay (supported on the previous appeal decision) and the land required for the visibility splay incorporates land in other peoples ownership. At the previous appeal concerning the same development type the matter of the visibility splay was considered, the visibility splay was considered essential but a Grampian Condition was thought to be appropriate because there was little evidence to indicate the purchase of the land and provision of the visibility splay was not a real prospect. The current application also requires the provision of a visibility splay within other peoples land ownership (since the appeal decision in early 2006 the applicant has had the opportunity to secure the purchase of the visibility splay and has failed to do this) and the land owner's executor has specifically written to say the land will not be sold to the developer for the purpose of the visibility splay. In accordance with current legal practice the visibility splay has now no prospect at all of the action in question being performed within the time-limit imposed by the permission. As such the application site cannot be served by a safe and

adequate access and the proposal would be unacceptable on the grounds of highway safety.

08.DC.97 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on one application for planning permission to be determined by the Committee.

RESOLVED – That the planning application, as now submitted, be determined in accordance with the Committee’s decisions recorded below:

(a) B1:08/00957/CB3 - Land 10m East of 21 - 33 Buchanan Street, Chorley

Planning application: 08/00957/CB3

Proposal: Change of use from public open space to residential curtilage and erection of 1.8m high fencing to delineate boundaries.

Location: Land 10m East of 21 – 33 Buchanan Street, Chorley

Decision:

It was proposed by Councillor Keith Iddon, Seconded by Councillor Harold Heaton, and was subsequently **RESOLVED to recommend Council to grant planning permission subject to the following conditions:**

1. The fencing hereby permitted shall be erected in conformity with the approved details within 3 months of the land being transferred into the residents’ private ownership, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

2. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

08.DC.98 PLANNING APPEALS AND DECISIONS REPORT

The Committee received a report of the Corporate Director (Business) giving notification of the lodging of one appeal that had been lodged against the refusal of planning permission, one appeal that had been dismissed and one appeal that had been allowed. Information was also received about the lodging of one enforcement appeal.

RESOLVED – That the report be noted.

08.DC.99 ENFORCEMENT REPORT - 22A WINDSOR ROAD, CHORLEY

The Corporate Director (Business) submitted a report for Members to consider whether it was expedient to take enforcement action in respect of the mixed use of property for residential/business purposes at 22A Windsor Road, Chorley.

RESOLVED – That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control: Without planning permission, the material change of use of property from residential to mixed use for residential and web space design and marketing. Issue of the Enforcement Notice should

be based on the response from the owner of the unauthorised use in respect of additional information requested.

Remedy for Breach

Cease the use of the property for web space design and marketing

Period of Compliance

Six Months

Reason

The development by reason of inadequate parking provision results in on street parking leading to a loss of amenity for local residents contrary to the provisions of Policy EM7 of the Adopted Chorley Borough Local Plan Review.

08.DC.100 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS), THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

The Committee received for information a table listing three applications for Category 'B' development proposals which had, or were intended to be, determined by the Corporate Director (Business) under the adopted scheme of delegations, following consultation with the Chair and Vice Chair of the Committee at a meeting held on 1 October 2008.

RESOLVED – That the table be noted.

08.DC.101 LIST OF APPLICATIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) UNDER DELEGATED POWERS BETWEEN 4 SEPTEMBER AND 1 OCTOBER 2008

The Committee received for information, a schedule listing the remainder of the planning applications that had been determined by the Corporate Director (Business) under delegated powers between 4 September and 1 October 2008.

RESOLVED – That the schedule be noted.

Chair